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J1054 U.S. PTO
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+PATENT
Customer Number 22,852
Attorney Docket No. 3495.0151-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Prior Application Art Unit: 1653 Prior Application Examiner: K. Carlson

1c971 U.S. PTO
09/01/01
09/18/05

SIR: This is a request for filing a

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/037,629 filed March 10, 1998 of Vincent SANCHIS et al. for NUCLEOTIDE SEQUENCES CODING FOR POLYPEPTIDES ENDOWED WITH A LARVICIDAL ACTIVITY TOWARDS LEPIDOPTERA

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/037,629 as originally filed on March 10, 1998, which is incorporated herein by reference.
2. ☐ Cancel Claims _____.
3. ☒ A Preliminary Amendment is enclosed.
4. ☐ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee					\$710	\$ 710.00
	Number of Claims		Basic	Extra Claims		
Total Claims	25	-	20	5	x \$18	\$ 90.00
Independent Claims	5	-	3	2	x \$80	\$ 160.00
<input checked="" type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$270	\$ 270.00
Subtotal						\$ 1230.00
Reduction by 1/2 if small entity						- 0
TOTAL APPLICATION FILING FEE						\$ 1,230.00

09/01/01 09/18/05

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON, DC 20005
202-408-4000

5. ☒ A check in the amount of \$ 1,230.00 to cover the filing fee is enclosed.
6. ☐ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
7. ☒ Amend the specification by inserting before the first line, the following new paragraph:

This is a ☐ continuation ☒ division of application Serial No. 09/037,621, filed March 10, 1998, which is a divisional of Serial No. 08/461,551 filed June 5, 1995, which is a divisional of Serial No. 08/251,652 filed May 31, 1994, which is a continuation of Serial No. 08/094,382 filed July 21, 1993, which is a continuation of Serial No. 07/458,754 filed December 11, 1989, all of which are incorporated herein by reference.
8. ☐ New formal drawings are enclosed.
9. ☒ The prior application is assigned of record to: Institut Pasteur and Institute National de la Recherche Agronomic (recorded at Reel 5338, Frame 629 on July 31, 1991).
10. ☒ Priority of application Serial No. PCT/FR88/00292, filed on June 9, 1988 and EP 88 401 121.4 filed May 6, 1988 in the EPO and FR 87.08090 filed June 10, 1988 in France is claimed under 35 U.S.C. § 119. A certified copy

☐ is enclosed or ☒ is on file in the prior application.
11. ☐ A verified statement claiming small entity status

☐ is enclosed or ☐ is on file in the prior application.
12. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg.

0040165-0004

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13. ☐ The power appears in the original declaration of the prior application.

14. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

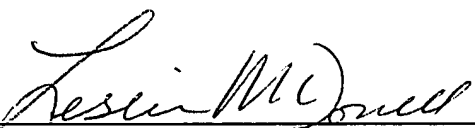
15. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**

16. ☐ Recognize as associate attorney _____
17. ☐ Also enclosed is an Information Disclosure Statement.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/037,621, filed March 10, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 1, 2001

By: 
Leslie A. McDonell
Reg. No. 34,872

09/037,621

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